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FISH STOCKS
Second session
New York, 12-30 July 1993

REPORT ON THE SECOND SESSION OF THE UNITED NATIONS CONFERENCE ON STRADDLING FISH STOCKS AND HIGHLY MIGRATORY FISH STOCKS

Prepared by the Secretariat

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INTRODUCTION

A. Opening of the session

1. The second session of the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks was held in New York from 12-30 July 1993. The Conference was convened in accordance with paragraph 7 of General Assembly resolution 47/192 of 22 December 1992, entitled "United Nations conference on straddling fish stocks and highly migratory fish stocks". The first session of the Conference, devoted to organizational matters, was held in New York from 19 to 23 April 1993 (A/CONF.164/9).

2. The Chairman of the Conference made a statement at the opening of the session (A/CONF.164/11). He noted among other things that while under the United Nations Convention on the Law of the Sea the management of living resources in the exclusive economic zone was the responsibility of coastal States, the management of living resources of the high seas was a shared responsibility which can only be effectively discharged through cooperation among States, as is required by the Convention.

B. Attendance

3. Representatives of the following States attended the session: Algeria, Antigua and Barbuda, Argentina, Australia, Austria, Barbados, Belgium, Benin, Brazil, Bulgaria, Burundi, Cameroon, Canada, Cape Verde, Chile, China, Colombia, Cook Islands, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Denmark, Djibouti, Ecuador, Egypt, Fiji, Finland, France, Gabon, Germany, Ghana, Greece, Guinea, Guinea-Bissau, Guyana, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Israel, Italy, Jamaica, Japan, Kenya, Kiribati, Latvia, Lesotho, Liechtenstein, Lithuania, Madagascar, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Morocco, Myanmar, Namibia, Netherlands, New Zealand, Nigeria, Norway, Panama, Papua New Guinea, Peru, Philippines, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Saint Lucia, Samoa, Senegal, Seychelles, Sierra Leone, Solomon Islands, Spain, Sri Lanka, Sweden, Switzerland, Syrian Arab Republic, Thailand, Togo, Tonga, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Vanuatu, Venezuela, Zambia and Zimbabwe.

4. The following associate member of a regional commission was represented: the United States Virgin Islands.

5. The following United Nations organs and bodies were represented: United Nations Development Programme (UNDP).

6. The following specialized agencies were represented: Food and Agriculture Organization of the United Nations (FAO), Intergovernmental Oceanographic Commission, UNESCO and World Bank.

7. The following intergovernmental organizations were represented: Asian-African Legal Consultative Committee, Inter-American Tropical Tuna Commission

(IATTC), European Economic Community, 1/ International Commission for the Conservation of Atlantic Tunas (ICCAT), International Maritime Satellite Organization (INMARSAT), Latin American Fisheries Development Organization (OLDEPESCA), Ministerial Conference on Fisheries Cooperation among African States bordering the Atlantic Ocean, North Atlantic Salmon Conservation Organization (NASCO), Northwest Atlantic Fisheries Organization (NAFO), Organisation for Economic Cooperation and Development (OECD), Organization of African Unity, Permanent South Pacific Commission (CPPS) and South Pacific Forum Fisheries Agency (FFA).

8. The following non-governmental organizations were represented in accordance with paragraphs 4 and 12 of General Assembly resolution 47/192: Alaska Marine Conservation Council, American Oceans Campaign, Atlantic Salmon Federation, Center for Marine Conservation, Coordination of Latin American Southern Cove Fishworkers, Council on Ocean Law, Earth Council, Earth Island Institute, Earthtrust, Environmental Defense Fund, Federation of Japan Tuna Fisheries Cooperative Associations, Fisheries Council of Canada, Fishermen Food and Allied Workers (FFAW CAW), Friends World Committee for Consultation/Quaker United Nations Office, Four Directions Council, Greenpeace International, Groupement d'Intérêt Economique, International Coalition of Fisheries Associations, International Coastal and Ocean Organization (ICO), International Collective in Support of Fishworkers, International Ocean Institute, Japan Fisheries Association, Mexican Action Network on Free Trade, National Audubon Society, National Confederation of Craft Fishermen of Chile, National Federation of Ecuadorian Fishery Associations, Nationwide Coalition of Fisherfolks for Aquatic Reforms, Natural Resources Defense Council, Newfoundland and Labrador Environmental Association Inc., Newfoundland Inshore Fisheries Association, Ocean Trust, Oceans Caucus, Canadian Environmental Network, Oceans Institute of Canada, Overseas Fishery Cooperation Foundation, Sonar (Save our Northwest Atlantic Resources), American Society of International Law, Trickle Up Program, United Nations Association in Canada, Women and Fisheries Network, World Wide Fund Suisse and World Wide Fund for Nature (WWF UK).

I. GENERAL DEBATE

9. In accordance with the programme of work agreed on at the organizational session, the first three days of this session were devoted to general statements.

10. At the 6th meeting, held on 12 July, statements were made by the representatives of Australia, Peru, Chile, China and the European Economic Community.

11. At the 7th meeting, held on 12 July, statements were made by the Deputy Prime Minister of the Russian Federation, H.E. Mr. Zaveryukha and the Minister of Fisheries and Oceans and Minister of Atlantic Canada Opportunities Agency, the Honourable Ross Reid. The observers of the International Collective In Support of Fishworkers and Greenpeace also made statements.

12. At the 8th meeting, held on 13 July, statements were made by the Minister of Fisheries of New Zealand, H.E. Mr. Doug Kidd, the Deputy Assistant Secretary of State of the United States of America, Mr. David Colson, the Assistant

Director General, Ministry of Foreign Affairs of Norway, the Honourable Dag Mjaaland and the representatives of the Republic of Korea and Japan. The observers of the World Wildlife Fund, speaking on behalf of the Audubon Society of the United States, and the Council on Ocean Law and the Alaska Marine Conservation Council also made statements.

13. At the 9th meeting, held on 13 July, statements were made by the Minister of Foreign Affairs of Argentina, H.E. Mr. Guido Di Tella and the representatives of the Solomon Islands (on behalf of the member countries of the South Pacific Forum Fisheries Agency), Fiji and Poland. The observer of the Inter-American Tropical Tuna Commission made a statement. The observer of the Fogo Island Fish Cooperative, Newfoundland (United Association in Canada) and the Ocean Institute of Canada also made statements.

14. At the 10th meeting, held on 14 July, statements were made by the representatives of the following countries: United Kingdom, Brazil, Sweden, Sri Lanka, Mexico, Ukraine, United Republic of Tanzania, Sierra Leone and Colombia. The observer of the South Pacific Forum Fisheries Agency and the representative of the International Oceanographic Commission of UNESCO also made statements.

15. At the 11th meeting, held on 14 July, statements were made by the representatives of Trinidad and Tobago, Indonesia, the Philippines, Ecuador, India, Costa Rica, Latvia, Papua New Guinea, Cuba and Kiribati. The observer of the Four Directions Council made a statement. The Assistant Director General of FAO also made a statement.

16. At the conclusion of the general debate the Chairman of the Conference made a statement where he outlined the key issues on which there was general agreement (A/CONF.164/12). The Chairman stated that the Conference had dealt with the first part of its mandate, namely to identify and assess existing problems relating to straddling fish stocks and highly migratory fish stocks; the Conference should now turn its attention to the second and third parts of its mandate as set forth in paragraph 2 of resolution 47/192, in which the Conference was instructed to:

"(b) Consider means of improving fisheries cooperation among States;

"(c) Formulate appropriate recommendations."

II. CONSIDERATION OF THE ISSUES

17. The Conference proceeded to an examination of the issues elaborated in document A/CONF.164/10, "A guide to the issues before the Conference prepared by the Chairman".

18. Part II of the document was divided into eight sections: (i) The nature of conservation and management measures to be established through cooperation; (ii) the mechanisms for cooperation; (iii) responsibilities of regional fisheries organizations or arrangements; (iv) compliance with conservation and management measures; (v) enforcement of high seas fisheries, conservation and management measures; (vi) non-parties to a regional agreement or arrangement;

(vii) settlement of disputes on matters of a technical nature; and
(viii) compatibility and coherence between national and international conservation measures for the same stocks. These issues were considered by the Conference during its 12th, 13th, 14th, 15th, 16th and 17th meetings. Section (viii) - compatibility and coherence between national and international conservation measures for the same stocks - was deferred and discussed later at the 18th and 19th meetings of the Conference.

19. The discussions of these issues were resumed in informal consultations. They were based on the following informal working papers prepared by the Chairman:

(a) Minimum data requirements for the conservation and management of straddling fish stocks and highly migratory fish stocks;

(b) A precautionary approach to fisheries management;

(c) Procedures for the settlement of high seas fisheries disputes;

(d) Compliance and enforcement;

(e) The nature of conservation and management measures to be established through cooperation;

(f) The mechanisms for international cooperation;

(g) Regional fisheries management organizations or arrangements;

(h) Compatibility and coherence between national and international conservation measures for the same stock;

(i) Port State enforcement;

(j) Non-parties to a subregional or regional agreement or arrangement;

(k) Special requirements of developing countries.

III. CREDENTIALS COMMITTEE

20. The Credentials Committee met on 28 July 1993. Mr. Alberto Luis Daverede (Argentina) was unanimously elected Chairman of the Committee. The report of the Credentials Committee is contained in document A/CONF.164/14.

IV. VOLUNTARY FUND

21. At the 20th meeting held on 30 July 1993, in response to questions raised by delegations concerning the voluntary fund, the Chairman urged the States which were in a position to do so to contribute in a timely manner to the voluntary fund so as to enable as many States as possible to participate in the Conference.

V. CLOSING OF THE SESSION AND FUTURE PROGRAMME OF WORK

22. At the 20th meeting, held on 30 July 1993, the Chairman made a closing statement observing, inter alia, that considerable progress had been made towards the formulation of appropriate recommendations. He noted that in the debate and discussions over the three-week session the Conference had addressed most of the key issues based on the informal working papers prepared by the Chairman. They had helped considerably in the preparation of the Chairman's negotiating text contained in document A/CONF.164/13. That document would be the basic text for the future work of the Conference.

23. With respect to the status of the negotiating text, the Chairman noted that "it does not prejudice the position of any delegation on the substantive matters referred to therein. It is put forward only as a negotiating instrument".

24. The Conference adopted the recommendations contained in the report of the Credentials Committee.

25. The Conference recommended to the General Assembly that:

(a) It provide for the convening of two further sessions of the Conference during the spring and summer of 1994. The dates indicated by Conference Services were 14 to 31 March 1994 and 15 to 26 August 1994;

(b) Conference facilities and services be provided for the two sessions. In order to facilitate the work, the services provided should enable the Conference to hold two simultaneous meetings during the sessions;

(c) FAO be requested to prepare two information papers, one on the precautionary approach in fisheries management, and another on the concept of maximum sustainable yield.

26. It is hoped that at the end of the spring session a revised text could be issued. This text would be made available for States to review in order that it could be adopted at the concluding session, in whatever form might be agreed.

Notes

1/ Rule 2 of the rules of procedure of the Conference provides that:

> "The representative of the European Economic Community shall participate in the Conference in matters within its competence without the right to vote. Such representation shall in no case entail an increase of the representation to which the member States of the European Economic Community would otherwise be entitled."